

HOUSE BILL No. 1176

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-6-3-12; IC 35-47-2; IC 35-47-2.5.

Synopsis: Handgun license renewal. Provides that the period during which an application for the renewal of a handgun license may be filed begins 180 days before the license expires. Allows a person to apply for the renewal of a handgun license over the Internet or by mail if the license has not expired and the state police department has a record of the person's fingerprints. Authorizes the state police department to collect a maximum \$10 renewal fee, and requires that a renewal application be granted or denied within 14 days. Repeals provisions: (1) relating to an audit of the destruction of handgun purchase records by the attorney general; (2) describing state police procedures in reference to a background check request by a handgun dealer; (3) specifying a handgun buyer's right to review and correct criminal history information; (4) establishing a criminal penalty for obtaining criminal history information under false pretenses; and (5) establishing a criminal history check fee. Makes other changes and conforming amendments.

Effective: July 1, 2006.

Woodruff

January 12, 2006, read first time and referred to Committee on Public Safety and Homeland Security.

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Introduced

Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

HOUSE BILL No. 1176

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-47-2-3.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2006]: **Sec. 3.5. (a) A person who holds a valid license issued**
4 **under this chapter may apply for the renewal of the license over**
5 **the Internet or by mail if:**

6 (1) the license has not expired; and

7 (2) the state police department has one (1) set of legible and
8 classifiable fingerprints from the person on file.

9 (b) The superintendent shall establish and maintain a secure
10 Internet web site for license renewal through which a person may
11 apply for the renewal of an existing license under this section.

12 (c) If the Internet web site for license renewal established under
13 subdivision (b) is not established as part of the computer gateway
14 administered by the office of technology established by
15 IC 4-13.1-2-1, the superintendent shall maintain a hyperlink on the
16 computer gateway that permits a user to connect to the Internet
17 web site for license renewal.



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(d) The Internet web site for license renewal established under subdivision (b) must provide a person the opportunity to print a form for license renewal, complete the form, and submit an application for the renewal of an existing license by mail.

(e) The superintendent may charge a fee of not more than ten dollars (\$10) for the renewal of a license issued under this chapter. The renewal fee collected under this subsection shall be deposited in the Internet handgun license renewal account established by section 3.6 of this chapter.

(f) The superintendent shall renew a valid license issued under this chapter if the person who holds the license:

- (1) applies for the renewal of the license; and
- (2) meets the criteria for the issuance of a license set forth in section 3(e) of this chapter.

(g) An application for the renewal of an existing license shall be granted or denied not later than fourteen (14) days after:

- (1) the application is submitted over the Internet; or
- (2) the application is received, if the application is submitted by mail.

(h) The department shall adopt rules under IC 4-22-2 to implement this section. Rules adopted under this section must require the superintendent to keep on file one (1) set of classifiable and legible fingerprints from every person who has received a license to carry a handgun so that a person who applies to renew a license will not be required to submit an additional set of fingerprints.

SECTION 2. IC 35-47-2-3.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3.6. (a) The Internet handgun license renewal account is established within the state general fund for the purpose of defraying the expenses related to operating the Internet web site for license renewal established under section 3.5 of this chapter. The account shall be administered by the superintendent.

(b) The expenses of administering the account shall be paid from money in the account.

(c) The treasurer of state shall invest the money in the account not currently needed to meet the obligations of the account in the same manner as other public money may be invested.

(d) Money in the account at the end of a state fiscal year does not revert to the state general fund.

SECTION 3. IC 35-47-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) Every initial

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1 application for any license under this chapter shall be granted or
2 rejected within sixty (60) days after the application is filed.

3 **(b) The period during which an application for the renewal of**
4 **an existing license may be filed begins one hundred eighty (180)**
5 **days before the expiration of the existing license.** If the application
6 for renewal of an existing license is filed within thirty (30) days of its
7 expiration, the existing license is automatically extended until the
8 application for renewal is passed upon.

9 SECTION 4. IC 35-47-2.5-3 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. ~~(a) Notwithstanding~~
11 ~~any other law, a person purchasing a handgun from a dealer shall~~
12 ~~consent in writing, on a form to be provided by the superintendent, to~~
13 ~~have the dealer obtain criminal history information.~~

14 ~~(b) The form shall include, in addition to the information required~~
15 ~~by section 4 of this chapter, the same information required to be~~
16 ~~included on the firearms transaction record required by federal~~
17 ~~regulations administered by the Bureau of Alcohol, Tobacco, and~~
18 ~~Firearms of the United States Department of the Treasury. However,~~
19 ~~the form may not include any information related to the handgun.~~

20 **(a) A person purchasing a handgun from a dealer shall complete**
21 **and sign Bureau of Alcohol, Tobacco, Firearms and Explosives**
22 **Form 4473.**

23 ~~(c) (b) The dealer shall forward The copies a copy of the forms~~
24 ~~shall be mailed or delivered Form 4473 signed by the purchaser to~~
25 ~~the state police department before the last day of the month following~~
26 ~~the sale.~~

27 SECTION 5. IC 35-47-2.5-4 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. **(a) As used in this**
29 **section, "NICS" refers to the National Instant Criminal**
30 **Background Check System maintained by the Federal Bureau of**
31 **Investigation in accordance with the federal Brady Handgun**
32 **Violence Prevention Act (P.L.103-159).**

33 **(b) A dealer may not sell, rent, trade, or transfer from the dealer's**
34 **inventory a handgun to a person until the dealer has done all of the**
35 **following:**

36 (1) ~~Obtained from the prospective purchaser written consent to a~~
37 ~~criminal history check, a completed and signed Form 4473 as~~
38 ~~specified in section 3 of this chapter.~~

39 (2) ~~Provided the state police department with the prospective~~
40 ~~purchaser's name, birth date, gender, race, Social Security~~
41 ~~number, and any other identification required of the prospective~~
42 ~~purchaser.~~

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(3) Requested and received criminal history information from the state police department by means of:

(A) a telephone call; or

(B) other electronic means.

(2) Contacted NICS:

(A) by telephone; or

(B) electronically;

to request a background check on the prospective purchaser.

(3) Received authorization from NICS to transfer the handgun to the prospective purchaser.

(c) The dealer shall record the NICS transaction number on Form 4473 and retain Form 4473 for auditing purposes.

SECTION 6. IC 35-47-2.5-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. A person who knowingly or intentionally makes a materially false statement on the consent form required by Form 4473 completed and forwarded under section 3 of this chapter commits a Class D felony.

SECTION 7. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2006]: IC 4-6-3-12; IC 35-47-2.5-6; IC 35-47-2.5-7; IC 35-47-2.5-8; IC 35-47-2.5-9; IC 35-47-2.5-10; IC 35-47-2.5-11.

SECTION 8. [EFFECTIVE JULY 1, 2006] IC 35-47-2.5-12, as amended by this act, applies only to crimes committed after June 30, 2006.

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